

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: NEXIUM (ESOMEPRAZOLE) ANTITRUST  
LITIGATION

MDL No. 2409

Civil Action No. 1:12-md-02409-WGY

This Document Relates To:

All Direct Purchaser Class Actions

**DIRECT PURCHASER CLASS PLAINTIFFS' UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT  
WITH TEVA PHARMACEUTICAL INDUSTRIES LTD. AND TEVA  
PHARMACEUTICALS USA, INC., APPROVAL OF PROPOSED  
NOTICE PROGRAM AND FORM OF NOTICE, AND SCHEDULING  
A HEARING FOR FINAL APPROVAL OF THE SETTLEMENT**

For the reasons set forth in the accompanying memorandum of law, the Declaration of Bruce E. Gerstein, Esq., and the Declaration of Rebecca A. Blake of Rust Consulting, Inc., the Direct Purchaser Class Plaintiffs, on behalf of the Direct Purchaser Class, respectfully move this Court to grant preliminary approval of the Direct Purchaser Class Settlement with Teva; approve the form and manner of the notice to the Direct Purchaser Class; appoint Berdon LLP as escrow agent; and set the final settlement schedule, including a date for the Fairness Hearing. This motion is unopposed. A proposed order granting these requests accompanies this Motion.

Dated: April 2, 2015

**/s/ Bruce E. Gerstein**

Bruce E. Gerstein

Joseph Opper

Elena K. Chan

Ephraim R. Gerstein

GARWIN GERSTEIN & FISHER LLP

88 Pine Street, 10th Floor

New York, NY 10005

Tel: (212) 398-0055

Fax: (212) 764-6620

[bgerstein@garwingerstein.com](mailto:bgerstein@garwingerstein.com)

[jopper@garwingerstein.com](mailto:jopper@garwingerstein.com)

[echan@garwingerstein.com](mailto:echan@garwingerstein.com)  
[egerstein@garwingerstein.com](mailto:egerstein@garwingerstein.com)

*Co-lead Counsel for the Direct  
Purchaser Class*

Thomas M. Sobol, BBO No. 471770  
David S. Nalven, BBO No. 547220  
Donna M. Evans, BBO No. 554613  
Kristen A. Johnson, BBO No. 667261  
HAGENS BERMAN SOBOL SHAPIRO LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
Tel: (617) 482-3700  
Fax: (617) 482-3003  
[tom@hbsslaw.com](mailto:tom@hbsslaw.com)  
[davidn@hbsslaw.com](mailto:davidn@hbsslaw.com)  
[donnae@hbsslaw.com](mailto:donnae@hbsslaw.com)  
[kristenp@hbsslaw.com](mailto:kristenp@hbsslaw.com)

*Liaison Counsel and Co-lead Counsel for the  
Direct Purchaser Class*

David F. Sorensen  
Ellen Noteware  
Daniel Simons  
Caitlin G. Coslett  
Nicholas Urban  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Tel: (215) 875-3000  
Fax: (215) 875-4604  
[dsorensen@bm.net](mailto:dsorensen@bm.net)  
[enoteware@bm.net](mailto:enoteware@bm.net)  
[dsimons@bm.net](mailto:dsimons@bm.net)  
[ccoslett@bm.net](mailto:ccoslett@bm.net)

*Co-lead Counsel for the Direct Purchaser  
Class*

**CERTIFICATE OF SERVICE**

I, Bruce E. Gerstein, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: April 2, 2015

**/s/ Bruce E. Gerstein**  
Bruce E. Gerstein